

I should like to know how is it that the hon. Minister does not care to ask the Bihar Government as to Whether this gentleman, Mr. Raghoria, or whatever it is, a very notorious person in that region, has been arrested or is being arrested. Why that enquiry was not made before the Minister comes and answers this question? Is he a small pick-pocket in Bara Bazar?

SHRI RAM NIWAS MIRDHA: Well, Sir, I said that some documents have been recovered after the raids. Those documents are being examined and then only it would be clear as to what offences have been committed and what legal action should be taken against them.

Well, Sir, with your permission, I would also like to refer to the observations made by Shri Rajnarain regarding Shri L. N. Mishra. These are most wild allegations and I do not think that they deserve any attention.

श्री राजनारायण : श्रीमन्, देखिये, मैं अपनी आंखों से देख रहा हूँ कि मिर्घा साहब इस सवाल का जवाब नहीं देना चाहते हैं। यही हमारा प्वाइन्ट ऑफ ऑर्डर है जो हम कहना चाहते हैं।

MR. CHAIRMAN: No, this is no point of order.

श्री राजनारायण : जब उन्होंने कहा तब उन्होंने खंडन किया। हम चाहते हैं कि इस बारे में इन्क्वायरी की जाय कि क्या एल० एन० मिश्र के इशारे पर उनको गिरफ्तार नहीं किया गया?

MR. CHAIRMAN: No, Mr. Rajnarain, this is no point of order. Yes, next question

श्री राजनारायण : श्रीमन्, यह सत्य बात है जो मैं कह रहा हूँ।

SHRI S. S. MARISWAMY: Sir, I want to draw the attention of the hon. Minister. . .

MR. CHAIRMAN: I have not called you. I have called the next question.

### Appointment of Commissions under the Commission of Inquiry Act, 1952

\*95. SHRI BHOLA PRASAD:

SHRI SANAT KUMAR RAHA:  
SHRI I. D. SINGH: SHRI  
BHUPESH GUPTA: SHRI S. G.  
SARDESAI:

Will the Minister of HOME AFFAIRS

be pleased to -state:

(a) the number of commission so far appointed by the Central Government under the Commission of Inquiry Act, 1952;

(b) the number of cases in which the Central Government have refused the appointment of commissions under the said Act and what were the reasons therefor;

(c) whether Government had ordered any inquiry under the Commission of Inquiry act without looking into the allegations charges to find out whether there was any *prima facie* case;

(d) if so, what is the number of such cases;

(e) whether there is any proposal under Governments consideration to appoint a commission under the Act to investigate the charges levelled against Ministers and high officials without any preliminary examination by Government of the allegations and by allowing the same to be made directly to the commission; and

(f) if the answer to part (e) above be in the negative, what are the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) According to the information available, 32 Commissions have been appointed by the Government of India under the Commissions of Inquiry Act, 1952 till January, 1974.

(b) Commissions of Inquiry under the AM are appointed after Government has satisfied itself that the matter is of public importance and is of the view, after looking into the allegations, that *prima facie*

†Th<^ question was actually asked on the floor of the House by Shri Sanat Kumar Raha.

case exists. It is not possible to indicate the number of times when such proposals were not accepted;

(c) and (d) Does not arise.

(e) No such proposal is under consideration.

(t) Government is keen that adequate steps are taken against those guilty of corruption. It is at the same time anxious to discourage character assassination. It is in view of these considerations that a certain procedure has been laid down, as indicated at (b). There are no overwhelming considerations which call for its modification.

SHRI SANAT KUMAR RAHA: Sir, I want to know from the hon. Minister whether he is aware of the fact that the West Bengal Chief Minister announced the appointment of a one-man commission, i.e., Wanchoo Commission, under the Commission of Inquiry Act, 1952, before going into the preliminary examination of allegations and the concrete written charges against the Ministers made by some West Bengal M.L.As and some M.P.s of this House. I want to know—whether Government has agreed to the appointment of such a commission as proposed by the Chief Minister. Shri S. S. Ray. This is my first question.

[Mr. Deputy Chairman in the Chair].

SHRI RAM NIWAS MIRDHA: Well, Sir, under the Commission of Inquiry Act, the Central Government can appoint a commission and so can the State Governments and the State Governments are not bound to ask the permission of the Central Government before appointing a commission. So, the question of the hon. Member is not correct that no permission was taken, or is necessary,

SHRI SANAT KUMAR RAHA: Sir, my second question is whether it is a fact that the Chief Minister of West Bengal proposed to amend the Commission of Inquiry Act, 1952<sup>^</sup> only to scare out evidence and threaten witnesses so that this whole Act gets infructuous and evidence\* be prosecuted. Is it not a fact that the Chief Minister, Shri Sidharatha Shankar Ray, proposed to amend the Act in this manner?

SHRI RAM NIWAS MIRDHA: Well, Sir, the Government of West Bengal has approached the Government of India for instructions of the President under Article 213(1) of the Constitution for proclamation of the Commission of Inquiry (West Bengal Amendment) Ordinance No. 74 and they wanted certain amendments to be made to which we agreed and as regards the hon. Member's question as to what are the motives of the West Bengal in amending the Act, I am not in a position to comment on it.

SHRI I. D. SINGH: Sir, I would like to know whether in the case of the appointment of the Wanchoo Commission by the West Bengal Government a departure has been made from the practice so far followed in the appointment of previous Inquiry Commissions. The practice so far is, as the hon. Minister stated before the House, that the Government wants to satisfy itself whether a *prima facie* case exists. I would like to know whether in the case of West Bengal this practice was followed or not. Did the Government ever try to find out whether a *prima facie* case existed, whether even any allegations in writing were made and whether appointment of a Commission of Inquiry was demanded?

SHRI RAM NIWAS MIRDHA: Well, Sir, as I have said, the State Government considers all the relevant factors, satisfies itself whether the Commission should be appointed under the Act and they act accordingly. There has to be their own satisfaction.

SHRI I. D. SINGH: Was any complaint in writing filed before the West Bengal Government?

SHRI RAM NIWAS MIRDHA: Well, Sir, I am not in a position to answer this question. It can be addressed to the Chief Minister, West Bengal, in the West Bengal My. All I can say is that under the Act previous satisfaction of a *prima facie* nature on the part of the concerned Government, which in this case is the West Bengal Government, is necessary before the appointment of a Commission of Inquiry.

SHRI BHUPESH GUPTA: Sir, on 5th and 6th June some Congress members in-

eluding MPs and MLAs made certain allegations against the West Bengal Congress Ministers and on the 8th Mr. Siddhartha Shankar Ray, Chief Minister of West Bengal announced that he would appoint a Commission and he said the target will go straight to him and here is the statement of the same day published in the 'Statesman' of 9th, I am reading:

"Mr. Ray said he had informed the Prime Minister on Saturday of his decision to constitute the inquiry commission and would leave for Delhi on Sunday morning."

He did leave for Delhi on Sunday morning and returned the same evening to say that the Prime Minister had given clearance for everything. May I know since when it has become the practice to (1) order an appointment of commission of inquiry without going into, looking into the charges, examining them legally whether there is a *prima-facie* case and (2) when the last 32 Commissions have been appointed and none of which recommended the amendment of the Commission of Inquiry Act, in order to enable a commission of inquiry to punish the witnesses and complainants at its own instance summarily why did the Government sanction this amendment? None of the 32 Commissions so far appointed had demanded any such amendment and even the Law Commission in its 41st Report which specifically examined the working of the Commission of Inquiry Act, did not make recommendation of this kind. Was it to suit the convenience of the Siddhartha Shankar Ray's political party or some other reason?

SHRI RAM NIWAS MIRDHA: Well, Sir, it is true the Chief Minister, West Bengal, met the Prime Minister in July 1974 and discussed various matters and it is not customary to disclose the talks a Chief Minister had with the Prime Minister . . .

SHRI BHUPESH GUPTA: He disclosed them. The moment he landed at the airport he disclosed everything.

12 Noon

SHRI RAM NIWAS MIRDHA: As regards the amendment of the Commission of . . .

SHRI NIREN GHOSH: Will the Prime Minister say anything on this?

MR. DEPUTY CHAIRMAN: Mr. Niren Ghosh, Mr. Mirdha is saying something will you first let him complete his answer?

SHRI RAM NIWAS MIRDHA: When an amendment was proposed by the West Bengal Government in the Act, they referred to giving the Commission the power to try certain offences summarily. That was all that they asked for and it was thought that there was nothing wrong in vesting the Commission with these summary powers and that is why the Central Government agreed to the suggestion of the West Bengal Government.

MR. DEPUTY CHAIRMAN: Question Hour over.

SHRI BHUPESH GUPTA: I request you to kindly allow half an hour discussion . . .

(Interruptions)

#### WRITTEN ANSWERS TO QUESTIONS Failure of Central Electricity Authority

\*96. SHRI R. K. MISHRA:

SHRI SARDAR AMJAD ALI:

SHRI HARSH DEO MALAVIYA:

SHRI N. R. CHOUDHURY:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether it is a fact that the Central Electricity Authority has failed in stepping

MI) power generation;

(b) if so, what are the reasons therefor; and

(c) what steps Government propose to take in this regard?

THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT): (a) to (c) \ statement is laid on the Table of the House.